



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR NY 10510

**COPY MAILED**

NOV 15 2006

In re Application of  
Hsieh et al.  
Application No. 09/878,677  
Filed: 11 June, 2001  
Attorney Docket No. PHN 17,803

**OFFICE OF PETITIONS**

:  
:  
: DECISION ON PETITION  
: UNDER 37 CFR 1.55(c)  
:

This is a decision on the petition filed August 8, 2006, which, in view of the facts of this case, is being treated as a petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for benefit of priority to the filing date of prior-filed international Application No. PCT/EP00/11652, filed November 23, 2000.

The petition is **DISMISSED**.

The Office notes that the petition cannot be treated under 37 CFR 1.78(a)(3) to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 365(c) for the benefit of priority to prior-filed international Application No. PCT/EP00/11652 because the international application did not designate the United States of America pursuant to 37 CFR 1.78(a)(1).

This application was filed after November 29, 2000, and did not include a reference to the foreign application, for which benefit is now sought, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. Since the claim for priority is submitted after the period specified in 37 CFR 1.55(a)(1)(i), this is an appropriate petition under the provisions of 37 CFR 1.55(c).

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

- (1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;
- (2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date, and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6));
- (3) the surcharge as set forth in 37 CFR 1.17(t);

- The petition fails to comply with item (2) and (4) above.

As to item (4), the petition does not include a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional.

In view of the above, if applicant desires to claim the benefit of priority to international Application No. PCT/EP00/11652, applicant must comply with 37 CFR 1.63(c)(2) or 37 CFR 1.76(b)(6), as well as make a proper statement of unintentional delay. Any future petition should include a cover letter and be entitled "Renewed Petition under 37 CFR 1.55(c)."

The petition fee of \$1,370.00 will be charged to counsel's deposit account, as authorized in the petition.

Further correspondence with respect to this matter should be addressed as follows:

**By mail:**

**Mail Stop PETITIONS  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450**

By hand: Customer Service Window  
Mail Stop Petitions  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

By fax: (571) 273-8300  
ATTN: Office of Petitions

Any questions concerning this matter may be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231.

*Christina Tartera Donnell*

Christina Tartera Donnell  
Senior Petitions Attorney  
Office of Petitions